

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA  
CHARLESTON DIVISION

B.P.J. by her next friend and mother, HEATHER JACKSON,

*Plaintiff,*

v.

WEST VIRGINIA STATE BOARD OF EDUCATION, HARRISON COUNTY BOARD OF EDUCATION, WEST VIRGINIA SECONDARY SCHOOL ACTIVITIES COMMISSION, W. CLAYTON BURCH in his official capacity as State Superintendent, DORA STUTLER in her official capacity as Harrison County Superintendent, and THE STATE OF WEST VIRGINIA,

*Defendants,*

and

LAINIEY ARMISTEAD,

*Defendant-Intervenor.*

Civil Action No. 2:21-cv-00316

Hon. Joseph R. Goodwin

**PLAINTIFF'S NOTICE OF NON-PARTY SUBPOENA**

PLEASE TAKE NOTICE that, pursuant to Rules 34(c) and 45 of the Federal Rules of Civil Procedure, Plaintiff B.P.J., by her next friend and mother, Heather Jackson, will serve a subpoena commanding the production of documents and tangible things on Delegate Joe Ellington, a non-party to the above-captioned action, whose materials the Defendant the State of West Virginia has indicated are not within the State's possession, custody, or control.

The date, time, and location of production required by the subpoena is included in the table below. A true and correct copy of the subpoena is attached hereto.

NON-PARTY	DATE, TIME, AND LOCATION OF PRODUCTION
Delegate Joe Ellington	January 7, 2022 at 9:00 AM EST American Civil Liberties Union of West Virginia Foundation, P.O. Box 3952 Charleston, West Virginia 25339- 3952

Dated: December 7, 2021

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Respectfully submitted,  
/s/ Loree Stark

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**CERTIFICATE OF SERVICE**

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I, Loree Stark, do hereby certify that on this 7th day of December, 2021, the foregoing ***Notice of Non-Party Subpoena*** was electronically filed with the Clerk of the Court using the CM/ECF system, which will send a Notice of Electronic Filing to, and constitutes service on counsel of record.

/s/ Loree Stark

West Virginia Bar No. 12936